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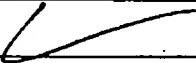
Total Number of Pages in This Submission

Application Number	09/614,861
Filing Date	July 13, 2000
First Named Inventor	Richard L. Antrim et al.
Art Unit	1623
Examiner Name	Howard Owens
Total Number of Pages in This Submission	Attorney Docket Number 006401.000029

ENCLOSURES (check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Allen E. Hoover, Reg. No. 37,354
Signature	
Date	12/09/03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	REDUCED MALTO- OLIGOSACCHARIDES
Antrim et al.)	
Serial No.: 09/614,961)	Attorney Docket: 006401.00029
Filed: July 13, 2000)	Group Art Unit: 1623
)	Examiner: Howard Owens

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RESPONSE

In response to the Office Action mailed September 9, 2003, please reconsider the application in light of the following remarks.

The Double Patenting Rejection

Applicants submit herewith a terminal disclaimer. It is noted that the '065 application has issued as U.S. patent 6,613,898.

Section 103 Rejection

Applicants submit that the Section 103 Rejection is not well founded. The Office Action states that "Borden teaches the catalytic hydrogenation of malto-oligosaccharide species..." This is simply not true. The Borden references directed towards the catalytic hydrogenation of polydextrose or polymaltose species, not malto-oligosaccharides.

The Office Action further points out that the hydrogenated polydextrose and polymaltose have certain improved properties such as improved color and so forth. The Office Action then asserts that this teaching somehow constitutes a suggestion of the invention. Applicants respectfully disagree. Polydextrose, polymaltose, and malto-oligosaccharides are chemically distinct. The Borden reference is silent as to malto-oligosaccharides or any other hydrogenated substrate except for a polymaltose or polydextrose. There is no teaching or suggestion in Borden to apply the teachings set forth therein to malto-oligosaccharides or any other chemical species.

Moreover, even if it could be said that Borden did provide such motivation, there is no teaching in Borden that any of the conditions set forth therein would actually work in connection with malto-oligosaccharides. In this respect, there are differences in

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stability between maltodextrins and the chemicals disclosed by Borden. There is simply no suggestion that the catalytic hydrogenation disclosed by Borden would be at all suitable for malto-oligosaccharides. Thus, even assuming that a motivation was somehow found in the Borden reference, at most the Office Action has established that it is obvious to try the disclosure on malto-oligosaccharides. This motivation is insufficient to amount to a Section 103 Rejection.

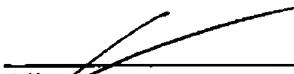
In short, Borden is deficient, and a Section 103 Rejection cannot be premised thereon. Applicants respectfully request withdrawal of the rejection.

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Conclusion

For these reasons, allowance is respectfully solicited.

Respectfully submitted,


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